

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

RETRACTABLE TECHNOLOGIES, INC., and THOMAS J. SHAW	§	
	§	Civil Action No. 2:08-CV-16
Plaintiff,	§	
	§	
VS.	§	Chief Judge Leonard Davis
	§	
BECTON, DICKINSON AND COMPANY	§	JURY TRIAL
	§	
Defendant.	§	

**DEFENDANT BECTON, DICKINSON AND COMPANY'S  
MOTION FOR LEAVE TO FILE ITS BRIEF ADDRESSING  
SUPPLEMENTAL AUTHORITY IN SUPPORT OF ITS RENEWED  
MOTION FOR JUDGMENT AS A MATTER OF LAW [Dkt. No. 589]**

Defendant Becton, Dickinson and Company ("BD") respectfully seeks leave to file a short brief addressing the recent decision, *Eisai Inc. v. Sanofi-Aventis U.S., LLC*, No. 08-4168 (MLC) (D.N.J. Mar. 28, 2014), in support of its Renewed Motion for Judgment as a Matter of Law, Dkt. No. 589. Good cause supports BD's Motion for Leave, as the *Eisai* decision applies antitrust law that is directly relevant to BD's arguments in its Renewed Motion for Judgment as a Matter of Law.

For the foregoing reasons, BD respectfully seeks leave to file Defendant Becton, Dickinson and Company's Brief Addressing Supplemental Authority in Support of Its Renewed Motion for Judgment as a Matter of Law.

April 17, 2014

Respectfully submitted,

/s/ *Samuel F. Baxter*

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***ATTORNEYS FOR DEFENDANT  
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**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel for Becton, Dickinson and Company conferred with counsel for Plaintiff via telephone conference on April 17, 2014. Counsel for Plaintiff advised that Plaintiff is not opposed to the submission of a copy of the recent authority, but Plaintiff does oppose the submission of commentary in the Brief addressing the application of the recent authority.

*/s/ Robert Elkin* \_\_\_\_\_

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was filed electronically in compliance with Local Rule CV-5(a) on April 17, 2014. Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

*/s/ Samuel F. Baxter* \_\_\_\_\_